

Gloria Olmos, Mayor/Chair
Manuel Acosta, Mayor Pro Tem/
Vice Chair
Richard Angel, Councilmember/
Boardmember
Hector Delgado, Councilmember/
Boardmember
Gracie Retamoza, Councilmember/
Boardmember



Rene Salas, Interim City
Manager/Executive Director
Donna G. Schwartz, City
Clerk/Secretary
Anthony R. Taylor, City
Attorney/General Counsel

CITY OF SOUTH EL MONTE

REGULAR MEETING OF THE SOUTH EL MONTE CITY COUNCIL AND THE SUCCESSOR AGENCY TO THE SOUTH EL MONTE IMPROVEMENT DISTRICT

AGENDA

July 26, 2022, 6:00 PM
1415 Santa Anita Avenue, South El Monte, CA 91733

*****SPECIAL NOTICE REGARDING COVID-19*****

On September 16, 2021, Governor Newsom signed AB 361, which modified the Brown Act to allow for teleconferencing participation at local legislative body public meetings during a proclaimed state of emergency. Pursuant to Government Code Section 54953(e) as amended by AB 361, City Council is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically available to all members of the public seeking to observe and to address the local legislative body. Public participation will be allowed via the information below.

PUBLIC COMMENT

To participate during public comment via teleconference, see below:

Link: <https://us02web.zoom.us/j/86581711880>
Webinar ID: 865 8171 1880

Or Call In: 1 669 900 6833, when prompted, enter 86581711880#

LIVE STREAMING OF MEETINGS

The City of South El Monte live streams the City Council Meetings over the Internet at <https://www.cityofsouthelmonte.org/129/City-Council-Agendas-Minutes> after the meetings, recordings are immediately posted. NOTE: Your attendance at this public meeting may result in the streaming and recording of your image and/or voice.

AMERICANS WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call the City Clerk's office at (626) 579-6540 ext. 3280 or ext. 3220 at least 72 hours prior to the meeting.

GENERAL COMMENT

Members of the public wishing to submit a general comment or a comment on an agenda item, can email dschwartz@soelmonte.org or call (626) 579-6540 ext. 3280 to leave a voicemail message. All comments received an hour before the scheduled meeting will be read during public comment and made part of the record.

MEETINGS

The City Council holds regular meetings on the second and fourth Tuesday of every month. Regular meetings start at 6 p.m. in the Council Chambers at City Hall, 1415 Santa Anita Avenue, South El Monte, California. Special and Adjourned Regular meetings start time are to be determined.

POSTING LOCATIONS OF AGENDA AND/OR CANCELLATION NOTICES

Regular meeting agendas will be posted at least 72 hours before the meeting (GC 54954(a)(1)).

Agenda and Cancellation Notices can be viewed online and are also posted at the following three (3) locations: City Hall located at 1415 Santa Anita Avenue, Senior Center located at 1556 Central Avenue and the Community Center located at 1530 Central Avenue, South El Monte, California.

VIEWING OF AGENDA PACKETS

Full agenda packet can be viewed either at www.cityofsouthelmonte.org/129/City-Council-Agendas-Minutes or in the City Clerk's Office during normal business hours Monday through Thursday 7:00 a.m. to 5:30 p.m. Closed on Fridays and major holidays.

ISSUES RELATED TO AGENDA

For issues related to the agenda, including a disability-related accommodation necessary to participate in this meeting, please contact:

Donna G. Schwartz, CMC, City Clerk
Ph (626) 579-6540 ext. 3280
Cell (626) 274-4842

Paola Lara, Deputy City Clerk
Ph (626) 579-6540 ext. 3220
Cell (626) 374-1998

AGENDA BEGINS ON THE FOLLOWING PAGE

1. ROLL CALL

Councilmembers: Angel, Delgado, Retamoza, Mayor Pro Tem Acosta and Mayor Olmos

2. PLEDGE OF ALLEGIANCE

Councilwoman Gracie Retamoza

3. INVOCATION

Ingrid Aguilar, Community Services Commissioner

4. PRESENTATIONS

4.a. Presentation by Tom Love, General Manager, Upper San Gabriel Valley Municipal Water District on Emergency Water Conservation Plan

4.b. Proclamation Proclaiming the Month of July as "Parks Make Life Better Month"

4.c. Sheriff's Department Report for the Month of June

4.d. Code Enforcement and Public Safety Department Report for the Month of June

5. APPROVAL OF THE AGENDA AND WAIVER OF FULL READING OF ORDINANCES

By motion of the City Council, this is the time to notify the public of any changes to the agenda, remove items from the consent calendar for individual consideration and/or rearrange the order of the agenda.

6. PUBLIC COMMENT

Speakers may provide public comments on any matter within the subject matter jurisdiction of the City Council, including items on the agenda. Each speaker will be limited to five minutes. Unless a majority of the Council objects, the Mayor may provide speakers more or less time to speak. All comments or queries shall be addressed to the Council as a body and not to any specific member thereof. Pursuant to Government Code Section 54954.2(a)(2), the Ralph M. Brown Act, no action or discussion by the City Council shall be undertaken on any item not appearing on the posted agenda, except to briefly provide information, ask for clarification, provide direction to staff, or schedule a matter for a future meeting.

7. CONSENT CALENDAR

Items on the consent calendar are considered to be routine and customary and are enacted by a single motion with the exception of items previously removed by a member of the City Council during "Approval of the Agenda" for individual consideration. Any items removed shall be individually considered immediately after taking action on the Consent Calendar.

CONSENT CALENDAR (CONTINUED)

7.a. CONSIDERATION AND APPROVAL OF THE REGULAR CITY COUNCIL MEETING MINUTES FOR JULY 12, 2022

Staff is requesting approval of Minutes for the July 12, 2022 Regular City Council Meeting.

RECOMMENDED ACTION: Staff recommends City Council approve the Minutes of the Regular City Council Meeting of July 12, 2022.

7.b. CONSIDERATION AND APPROVAL OF RESOLUTION NO. 22-59, APPROVING WARRANTS FOR THE PERIOD OF JULY 13, 2022, THROUGH JULY 26, 2022

Authorizing payment of City expenditures for the period of July 13, 2022 through July 26, 2022 totaling \$837,348.26

RECOMMENDED ACTION: Staff recommends City Council adopt Resolution No. 22-59, authorizing payment of City expenditures.

7.c. CONSIDERATION AND APPROVAL OF RESOLUTION NO. 22-60, APPROVING LETTER AGREEMENT WITH HUNTINGTON CULINARY FOR FOOD SERVICES FOR THE ELDERLY NUTRITION PROGRAM

Due to the City's relatively low demand for meal service, Huntington Culinary issued a 30-day notice to the City to terminate the contract on July 6, 2022. As such, staff has negotiated a temporary agreement which will allow the City to assess its meal service needs. This temporary arrangement will expire on October 31, 2022.

RECOMMENDED ACTION: Staff recommends City Council adopt Resolution No. 22-60, authorizing the City Manager to execute a letter agreement to memorialize a temporary arrangement for meal service.

7.d. CONSIDERATION AND APPROVAL OF RESOLUTION NO. 22-61, APPROVING THE CITY OF SOUTH EL MONTE'S TITLE VI PROGRAM UPDATE

The City of South El Monte adopted the Title VI Program in 2013 and recertified in 2016 and 2019. The City's Title VI Program was created to establish guidelines to effectively monitor and ensure that the City's services meet the requirements set forth in the Federal Transit Administration (FTA) Title Circular 4702.1B. Per FTA requirements, it is necessary to reapprove and submit the FTA Title VI Report every three years.

RECOMMENDED ACTION: Staff recommends City Council adopt Resolution No. 22-61, approving the City's Title VI Program to reaffirm that the City meets the requirements set forth in the FTA's Title VI Circular 4702.1B.

CONSENT CALENDAR (CONTINUED)

7.e. **CONSIDERATION AND APPROVAL OF CLASSIFICATION SPECIFICATION FOR PLANNING MANAGER AND AUTHORIZATION TO PROCEED WITH RECRUITMENT**

The City has been unsuccessful in recruiting for a new city planner. Two recruitments were open in the months of May and June 2022. This then led to an evaluation of the scope of the work, job title and compensation. As a result, it became apparent that it is necessary to reclassify the previously approved Planning Supervisor position to a Planning Manager. The proposed change is expected to result in additional qualified candidates that can fill this critical position. In the meantime, the City has temporarily addressed day-to-day needs, until a suitable replacement has been secured.

RECOMMENDED ACTION: Staff is recommending the approval of the Classification specification and corresponding compensation level for the Planning Manager. Upon approval, the recruitment process will be expedited to fill this critical position.

7.f. **CONSIDERATION AND APPROVAL OF ORDINANCE NO. 1259, AMENDING THE SOUTH EL MONTE MUNICIPAL CODE REGARDING COMPENSATION OF MAYOR AND COUNCILMEMBERS**

California Government Code Section 36516(a)(4) provides that cities may increase the salary of councilmembers five percent (5%) for each calendar year from the operative date of the last adjustment.

RECOMMENDED ACTION: Staff recommends City Council waive first reading and introduce Ordinance No. 1259, regarding the compensation of Mayor and Councilmembers and set adoption of said ordinance at the next regular city council meeting.

7.g. next page.

CONSENT CALENDAR (CONTINUED)

- 7.g. **CONSIDERATION AND APPROVAL OF RESOLUTION NO 22-63, SUBMITTING AN INITIATIVE MEASURE THAT, IF APPROVED, PERMITS/REGULATES CERTAIN CANNABIS BUSINESSES, REGULATES PERSONAL CANNABIS USE, AND IMPOSES A 6% EXCISE TAX ON RETAIL SALES OF CANNABIS/EDIBLES TO THE NOVEMBER 8, 2022, GENERAL ELECTION; RESOLUTION NO. 22-64, AUTHORIZING DIRECT ARGUMENTS FOR AND AGAINST THE INITIATIVE MEASURE AND DIRECTING CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS; AND RESOLUTION NO. 22-65, AUTHORIZING THE FILING OF REBUTTAL ARGUMENTS FOR SAID MEASURE**

A citizen initiative to allow certain cannabis businesses within the City, regulate personal use of cannabis, and to establish a maximum 6% excise tax on the retail sale of cannabis and edibles ("Measure") was received by the City Clerk's Office on April 14, 2020 by Mr. Wilhans Ili. The City Attorney's Office did not prepare the contents of the Measure. The Measure was prepared by its proponents and their attorneys, and not by the City. Pursuant to the Elections Code, a ballot title and summary was prepared by the City Attorney's Office and provided to the initiative proponents. On December 8, 2020, the City Clerk certified to the City Council that the proponents gathered sufficient signatures for qualification of the Measure so that it may be submitted to the City's voters. After considering its options under the Elections Code at the December 8, 2020, meeting, the City Council provided direction that the Measure be submitted to the City's voters at the November 8, 2022, election.

The City Attorney has previously advised the City Council at a public council meeting that the proponent's ballot measure is substantively defective as a matter of law and that their measure does not include a lawful tax because of the City's current sales tax rate. The City Attorney's position will be set forth in detail in the impartial analysis by the City Attorney at a later date. The attached resolutions are being presented to the City Council for adoption now because of the procedural requirements of the Elections Code and applicable law, although the proponent's measure is substantively defective as a matter of law based on the assessment by the City Attorney. The City Attorney reserves all legal rights for the City in this matter should the voters approve this measure.

RECOMMENDED ACTION: Staff recommends City Council submit the Measure without alteration to the voters at a general municipal election on November 8, 2022, by approving resolution numbers: 22-63, 22-64 and 22-65.

8. PUBLIC HEARINGS

8.a. CONSIDERATION AND APPROVAL OF RESOLUTION NO. 22-62, APPROVING THE ANNUAL LEVY OF THE SEWER SERVICE FEE FOR FISCAL YEAR (FY) 2022-23

The City's sewer service fee (the "Fee") must first be approved by the City Council each year, after holding a Public Hearing on said Fee, in order to levy a Fee for the next fiscal year on all parcels in the City for the funding of improvements needed to upgrade the City's sanitary sewer system (System), and to have the Fee collected on the tax roll in the same manner, by the same person, and at the same time as the general taxes of the City.

RECOMMENDED ACTION: Staff recommends City Council:

1. Conduct a public hearing;
2. Take public testimony; and
3. Adopt Resolution No. 22-62, approving the annual levy of the Sewer Service Fee for Fiscal Year 2022-23, at \$35.37 per sewer unit.

9. GENERAL BUSINESS

9.a. CONSIDERATION AND APPROVAL TO REJECT BIDS AND REBID THE MERCED GREENWAY AVENUE PROJECT

The Merced Avenue Greenway Project in the City of South El Monte is a multi-benefit green street project which includes decentralized Low Impact Development (LID) and Best Management Practices (BMPs) within the right-of-way that slow, capture, treat, and infiltrate storm water runoff. Plans, specifications, and revised cost estimates (referred to as the construction bid package or as the PS&E package) are prepared, and the project is ready to be readvertised for construction bids once receiving additional funds from various granting agencies.

RECOMMENDED ACTION: Staff recommends City Council approve to re-advertise the Notice Inviting Bids (NIB) for the Merced Avenue Greenway Improvements Project.

9.b. CITY COUNCIL DISCUSSION AND DIRECTION CONCERNING POTENTIAL FUTURE CANNABIS REGULATIONS AND TAXES

On May 10, 2022, the City Council discussed the matter related to regulations of cannabis cultivation and sales. In response to the Council's direction, the City Attorney's Office has prepared this staff report to enable a discussion about the dangers or potential dangers related to illegal cannabis businesses and ordinances regulating the same. The City Attorney's office seeks guidance on how to proceed.

RECOMMENDED ACTION: Discuss the item and provide direction to City Staff on Council's preferred option.

10. COMMITTEE REPORTS, INCLUDING AB 1234 REPORTS

AB 1234, section 53232.3(d) requires Members of a legislative body to provide brief reports on meetings attended at the expense of the local agency (i.e., League of California Cities Conferences, ICSC conferences, etc.) at the next regular meeting of the legislative body.

11. CORRESPONDENCE - None

12. COUNCILMEMBERS' AGENDA

12.a. Councilwoman Gracie Retamoza

1. Discussion on Allowing Walk In Hours for Planning and Building Department.

13. CLOSED SESSION

**13.a. CONFERENCE WITH LABOR NEGOTIATOR
Pursuant to Government Code Section 54957.6**

City Negotiator: Interim City Manager
Employee Organizations: South El Monte Employees Association and the South El Monte Executive Management Team Association

14. RECESS COUNCIL MEETING

15. ANNOUNCEMENT BY THE CITY CLERK (PRIOR TO CONVENING THE SUCCESSOR AGENCY MEETING)

Pursuant to Government Code Section 54952.3, Board Members do not receive any compensation or stipend for attending the Successor Agency meeting.

Successor Agency next page.

SUCCESSOR AGENCY MEETING

1. CALL TO ORDER AND ROLL CALL

Board Members: Angel, Delgado, Retamoza, Vice Chair Acosta, and Chair Olmos

2. APPROVAL OF AGENDA

This is the time for the Board to remove any items from the consent calendar for individual consideration, table, continue, add items, or to make a motion to rearrange the order of this agenda.

3. PUBLIC COMMENTS

Speakers may provide public comments on any matter within the subject matter jurisdiction of the Board, including items on the agenda. Each speaker will be limited to five minutes. Unless a majority of the Board objects, the Chair may provide speakers more or less time to speak. All comments or queries shall be addressed to the Board as a body and not to any specific member thereof. Pursuant to Government Code Section 54954.2(a)(2), the Ralph M. Brown Act, no action or discussion by the Board shall be undertaken on any item not appearing on the posted agenda, except to briefly provide information, ask for clarification, provide direction to staff, or schedule a matter for a future meeting.

4. CONSENT CALENDAR

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4.a. CONSIDERATION AND APPROVAL OF THE SUCCESSOR AGENCY MEETING MINUTES FOR JUNE 28, 2022

Staff is requesting approval of the Minutes of the June 28, 2022, Successor Agency Meeting.

RECOMMENDED ACTION: Staff recommends the Board approve the Successor Agency Meeting Minutes of June 28, 2022.

4.b. CONSIDERATION AND APPROVAL OF RESOLUTION NO. SA 22-02, APPROVING WARRANTS FOR THE PERIOD OF JULY 13, 2022, THROUGH JULY 26, 2022

Authorizing payment of City expenditures for the period of July 13, 2022 through July 26, 2022 totaling \$8,699.00

RECOMMENDED ACTION: Staff recommends The Board of Directors of the Successor Agency adopt Resolution No. SA 22-02, authorizing payment of City expenditures.

5. **EXECUTIVE DIRECTOR'S AGENDA**
6. **ADJOURNMENT OF SUCCESSOR AGENCY MEETING**
RECONVENE AND ADJOURN COUNCIL MEETING

Tuesday, September 13, 2022, at 6:00 p.m.

NOTE: Regular City Council meetings are dark in August (no meetings in August).

I Donna G. Schwartz, hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted not less than 72 hours at the following locations: City of South El Monte City Hall, Senior Center and Community Center and made available at www.cityofsouthelmonte.org on this 21st day of July 2022.



City Clerk, CMC